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Attorney Docket No.:

DEX-0079

Inventors:

Burczak and Wilkinson

Serial No.:

09/622,776

Filing Date:

August 23, 2000

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In the Claims:

Please cancel claims 1-3, 5-8 and 13-15, without prejudice.

Please amend the claims as follows:

10. (amended) A method of diagnosing ovarian or testicular cancer in a patient comprising:

(a) obtaining a sample of biological fluid from a patient;

(b) detecting levels of  $PLA_2$  in the sample; and

(c) comparing the detected levels of  $PLA_2$  in the sample with levels of  $PLA_2$  determined in random healthy males or females wherein levels of  $PLA_2$  in the sample at least two standard deviations above levels of  $PLA_2$  determined in random healthy males or females are indicative of ovarian or testicular cancer.

**REMARKS**

Claims 1-3, 5-8 and 10-15 are pending in the instant application. Claims 1-3, 5-8 and 10-15 have been rejected. Claims 1-3, 5-8 and 13-15 have been canceled. Claim 10 has been amended, without prejudice. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

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**I. Rejection of Claims 1-3, 5-8 and 13-15 under 35 U.S.C. § 112, first paragraph**

Claims 1-3, 5-8 and 13-15 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connect, to make and/or use the invention. It is respectfully pointed out, however, that claims 1-3, 5-8 and 13-15 have been canceled by this amendment, thus mooted this rejection. Withdrawal of rejections under 35 U.S.C. § 112, first paragraph, is therefore respectfully requested.

**II. Rejection of Claims 1-3, 5-8 and 10-15 under 35 U.S.C. § 112, second paragraph**

Claims 1-3, 5-8 and 10-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully pointed out, however, that claims 1-3, 5-8 and 13-15 have been canceled by this amendment. Thus, rejections relating to these claims have been mooted by this

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amendment.

With respect to pending claims 10-12, however, the Examiner suggests that these claims are incomplete because claim 10 omits an essential step. Specifically, the Examiner suggests that claim 10 omits the step of comparing the levels to a control to determine whether or not the levels are elevated.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 10 to include the step of comparing the detected levels of  $PLA_2$  in the sample with levels of  $PLA_2$  determined in random healthy males or females and to specify that levels of  $PLA_2$  in the sample at least two standard deviations above levels of  $PLA_2$  determined in random healthy males or females are indicative of ovarian or testicular cancer. Support for this amendment can be found in the specification at 15, lines 25-32 and page 16, lines 6-9. Accordingly, no new matter is added by this amendment.

Withdrawal of the rejection of claims 10-12 under 35 U.S.C. § 112, second paragraph, is respectfully requested in light of this amendment.

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### III. Rejection of claims 6-8 and 13-15 under 35 U.S.C. § 103

Claims 6-8 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 5,747,264 in view of Yamashita (Clin. Chim. Acta.)

Claims 13-15 have also been rejected under 35 U.S.C. § 103 as being unpatentable over Yamashita et al. (Clin. Chim. Acta in view of U.S. 5,747,264).

As discussed in Section I and II, *supra*, claims 6-8 and 13-15 have been canceled by this amendment, thus mooted these rejections. Withdrawal of these rejections is therefore respectfully requested.

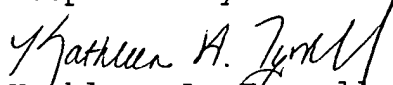
### IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The

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attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES  
MADE."

Respectfully submitted,  
  
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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Please amend the claims as follows:

10. (amended) A method of diagnosing ovarian or testicular cancer in a patient comprising:

(a) obtaining a sample of biological fluid from a patient; and

(b) detecting levels of PLA<sub>2</sub> in the sample; and

(c) comparing the detected levels of PLA<sub>2</sub> in the sample with levels of PLA<sub>2</sub> determined in random healthy males or females wherein ~~elevated~~ levels of PLA<sub>2</sub> in the sample at least two standard deviations above levels of PLA<sub>2</sub> determined in random healthy males or females are indicative of ovarian or testicular cancer.

New  
attaches